

Filed by:

Motions Panel
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PO Box 1450
Arlington, VA 22313-1450
Tel: (703) 308-9797
Fax: (703) 305-0942

Filed:
10 June 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES
(Administrative Patent Judge James T. Moore)

DOUGLAS J. HILTON, EDOUARD G. STANLEY,
RICHARD P. HARVEY, CHRISTINE BIBEN,
LOUIS FABRI, MARIA LAH
and ANDREW D. NASH,

Junior Party,
(Application 09/022,115)

v.

DAVID M. VALENZUELA, EDUARDO A. ROJAS,
ARIS N. ECONOMIDES and NEIL STAHL,

Senior Party,
(Patent 6,610,510).

Patent Interference No. 105,200 (JTM)

JUDGMENT – RULE 662

MAILED

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BOARD OF PATENT APPEALS
AND INTERFERENCES

Hilton has filed Contingent Preliminary Motion 2 (Paper 19) pursuant to 37 CFR §1.662(a) for entry of adverse judgment as to all claims corresponding to the count, claim 28 as amended, claim 33, claim 34, claim 35, and claim 38. Valenzuela does not oppose Hilton Contingent Preliminary Motion 2.

Hilton's preliminary motion 1 has been granted (Paper 26). Accordingly, the contingency of Hilton Contingent Preliminary Motion 2 has been satisfied, and we shall address Hilton's Contingent Preliminary Motion 2.

Upon consideration of Paper 19, it is hereby:

ORDERED that judgment on priority as to Count 1 (Paper 1, page 5), the only count in the interference, is awarded against junior party DOUGLAS J. HILTON, EDOUARD G. STANLEY, RICHARD P. HARVEY, CHRISTINE BIBEN, LOUIS FABRI , MARIA LAH, and ANDREW D. NASH

FURTHER ORDERED that junior party DOUGLAS J. HILTON, EDOUARD G. STANLEY, RICHARD P. HARVEY, CHRISTINE BIBEN, LOUIS FABRI , MARIA LAH, and ANDREW D. NASH is not entitled to a patent containing claims 28, 33, 34, 35, and 38 (corresponding to Count 1) of application 09/022,115.

FURTHER ORDERED that a copy of this paper shall be made of record in files of application 09/022,115 and patent 6,610,510.

FURTHER ORDERED that if there is a settlement agreement, attention is directed to 35 U.S.C. § 135(c), 37 CFR § 1.661, and 37 CFR §1.666.

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_____)
FRED E. McKELVEY)
Senior Administrative Patent Judge)
_____)
[Signature])
_____) BOARD OF PATENT
RICHARD TORCZON) APPEALS
Administrative Patent Judge) AND
_____) INTERFERENCES
[Signature])
_____)
JAMES T. MOORE)
Administrative Patent Judge)

June 10, 2004
Arlington, VA

cc (via fax and US Mail):

Counsel for HILTON:

Frank S. DiGiglio, Esq.
SCULLY, SCOTT, MURPHY & PRESSER
400 Garden City Plaza
Garden City, NY 11530
(516) 742-4366 fax

Counsel for VALENZUELA:

Steven B. Kelber, Esq.
PIPER RUDNICK LLP
1200 Nineteenth Street, N.W.
Washington, DC 20036-2430
(202) 223-2085 Fax